

## ORDINANCE NO. 89-14

### ARTICLE II. LITTERING\*

\*Cross references: Roads and bridges, ch. 58.

#### **Sec. 30-26. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Litter* means all waste material which has been discarded or otherwise disposed of as prohibited in this article, including but not limited to convenience food and beverage packages or containers, trash, garbage, all other product packages or containers and other post-consumer solid wastes. Litter does not include wastes from the primary processing of mining, logging, sawmilling or farming, the raising of poultry, manufacturing or wastes deposited in proper receptacles.

(Ord. No. 89-14, § 1, 5-11-89)

**Cross references:** Definitions generally, § 1-2.

#### **Sec. 30-27. Penalties.**

Every person convicted of a violation of any section of this article shall be subject to the penalties in section 1-9. In addition any violator may also be required to remove litter alongside highways and at other appropriate locations for any period prescribed by the judge.

(Ord. No. 89-14, § 5, 5-11-89)

#### **Sec. 30-28. Littering prohibited, exceptions.**

- (a) It shall be unlawful for any person to place or cause to be placed any junk motor vehicle, old vehicle tire or inoperative or abandoned household appliance or part thereof upon the right-of-way of any public highway, upon any other public property or upon any private property which he does not own, lease, rent or otherwise control, unless it is a salvage yard, a permitted disposal site or the business establishment of a demolisher.
- (b) It shall be unlawful to drop, deposit, discard or otherwise dispose of litter upon any public or private property in this county or upon or into any river, lake, pond, stream or body of water within this county, unless:
  - (1) The property has been designated by the department of pollution control and ecology as a permitted disposal site.
  - (2) The litter is placed in a receptacle intended by the owner or tenant in lawful possession of that property for the deposit of litter, if it is deposited in such a manner as to prevent the litter from being carried away or deposited by the elements upon any part of the private or public property or waters.
  - (3) The person is the owner or tenant in lawful possession of the property and the litter remains upon the property and the act does not create a public health or safety hazard, a public nuisance or a fire hazard. However, a property owner shall not be held responsible for actions of his tenant.

(Ord. No. 89-14, §§ 2, 3, 5-11-89)

## **ORDINANCE NO. 89-14**

### **Sec. 30-29. Notice, posting signs.**

The county judge shall prepare signs notifying the public of pertinent portions of this article and post the signs in appropriate places in the county.  
(Ord. No. 89-14, § 6, 5-11-89)

### **Sec. ~~30-30~~. Driver presumed cause of littering from a motor vehicle, exception.**

If the throwing, dumping or depositing of litter was done from a motor vehicle, except a motorbus, it shall be prima facie evidence that the throwing, dumping or depositing was done by the driver of the motor vehicle.  
(Ord. No. 89-14, § 4, 5-11-89)

### **Sec. 30-31. Reward for information.**

Any person or organization providing information that leads to the conviction of a defendant under this article shall be entitled to one-half of any fine, excluding court costs, imposed and collected by the court.

(Ord. No. 89-32, § 7, 10-26-89)

Secs. 30-32--30-50. Reserved.